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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,437	04/21/2004	Shosuke Endoh	252112US2	5495

22850 7590 02/04/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

DHINGRA, RAKESH KUMAR

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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02/04/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/828,437	Applicant(s) ENDOH ET AL.	
	Examiner RAKESH K. DHINGRA	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 8,13-15,18-21 and 28-31.
 Claim(s) withdrawn from consideration: 4-7,11 and 22-27.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Rakesh K Dhingra/
Examiner, Art Unit 1792

/Karla Moore/
Primary Examiner, Art Unit 1792

Response to applicant's arguments:

Applicant's argument that Moriya does not supply a cooling gas and non-zero voltage when the substrate is transferred into and out of the chamber, examiner responds that Koshiishi teach that "as the wafer W is exposed to the plasma, its temperature increases. The refrigerant of the temperature-controlled refrigerant flow channel 18 cools the holder main body 11, to cool the wafer W on the holder main body 11. In addition, a cooling gas is sprayed to the wafer from the lower surface to cool it efficiently, thereby controlling the temperature of the wafer W. Meanwhile, the focus ring 12 is also exposed to the plasma, so its temperature increases. In the same manner as the wafer W, the focus ring 12 is also efficiently cooled by the refrigerant of the refrigerant flow channel 18 and the cooling gas of the gas supply path 17, and is maintained at substantially the same temperature level as that of the wafer W. Substantially no temperature difference occurs between the focus ring 12 and wafer W, or is very small even if it does. Koshiishi further teach that the focus ring 12 is strongly attracted to the holder main body 11 by the Johnson-Rahbek force generated by the second dielectric film 14b, and is efficiently cooled by the refrigerant of the refrigerant flow channel 18 and the cooling gas of the gas supply path 17, so it is maintained to have no temperature difference from the wafer W. Koshiishi also teach that the electrostatic attracting force of the focus ring for the holder main body is increased with a simple structure, so that the cooling effect is increased. A change in plasma processing characteristics over time in the vicinity of the focus ring can be eliminated, and the entire surface of the object to be processed can be processed uniformly. Floating of the focus ring during transfer of the wafer W can be prevented, so a transfer error can be prevented, that is non-zero voltage is applied during wafer transfer (para. 0043-45, 0060). Further, Moriya is cited for its teaching of a controller that controls overall functioning of the plasma processing including control of cooling through helium gas. It would be obvious to program the controller of Moriya for controlling the pressure of heat transfer gas for cooling and the chucking voltage, including control of these parameters during conveyance of the object as per teaching of Koshiishi to maintain maintaining attraction of focus ring and the temperature of the focus ring during conveyance of the wafer (examiner notes that claim 8 recites the controller controls the ----- voltage and the pressure --- from said chamber, which the controller art does as a part of overall control of process, in view of teachings of Koshiishi). Thus, Koshiishi in view of Kanno, Howald and Moriya teach all limitations of claim 8 as indicated above and the rejection is maintained. Further, in view of this rejection of balance claims 13-15, 18-21 and 28-31 is also maintained.